

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

SHARON L. HARRIS

PLAINTIFF

VS.

CASE NO. 4:06CV0007 JMM

DOLGENCORP, INC., et al

DEFENDANTS

ORDER

On August 25, 2006, defendant, Dolgencorp, Inc., filed a motion to compel (docket entry #15) contending that plaintiff's responses to defendant's first set of discovery were insufficient. Plaintiff subsequently provided defendant with supplemental discovery responses. The Court reviewed the supplemental responses and found that plaintiff's supplemental responses failed to cure discovery deficiencies as to Interrogatories 2, 3, 5, 6, 9 and 16 and Requests for Production of Documents 32 through 48. By Order of September 11, 2006, the Court directed plaintiff to provide defendant on, or before, September 25, 2006, the requested information (docket entry #20).


On October 3, 2006, defendant filed a motion for contempt and sanctions stating that plaintiff had failed to provide the required discovery (docket entry #22). Plaintiff failed to respond to the motion.

On October 31, 2006, by Order of the Court, plaintiff was directed to show cause on, or before, November 13, 2006, why she should not be held in contempt pursuant to Fed. R. Civ. P. 37(b) and her case be dismissed without prejudice for failure to comply with the Court's September 11, 2006 Order. Plaintiff failed to respond to the Show Cause Order.

The Court finds that plaintiff's refusal to respond in any manner to the Court's Orders is willful and in bad faith. Based upon this finding along with the prejudice to defendant, who cannot

defend unless provided with the requested information, plaintiff is found in contempt and her complaint is dismissed without prejudice. *See* Fed. R. Civ. P. 37(b). The jury trial scheduled March 5, 2007, is canceled.

IT IS SO ORDERED THIS 15th day of November, 2006.


James M. Moody
United States District Judge